

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

In re:

Robert Terry Winfree,

Debtor

Chapter 11

Case No. 3:20-01417

TN Dental Professionals, P.C., and
CPF Dental, LLC, d/b/a Marquee Dental
Partners,

Plaintiffs/ Counter-Defendants,

vs.

Robert T. Winfree, D.D.S. and Olivia
Winfree,

Defendants/ Counter-Plaintiffs.

Adv. Proc. No. 3:20-90031

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In Re: Subpoena Served On

JT Palmer & Associates, LLC

Civil Action No. 3:20-mc-00055-E-BN

**Supplemental Appendix in Support of
Non-Party J.T. Palmer & Associates, LLC's
Reply to TN Dental Professionals, P.C., and CPF Dental, LLC's
Response to Motion to Quash Subpoena**

Non-Party J.T. Palmer & Associates, LLC files this Supplemental Appendix in Support of its Reply to TN Dental Professionals, P.C., and CPF Dental, LLC's Response and Brief in Opposition to Motion to Quash Subpoena:

Appendix Item 1: Affidavit of Judith Ann Shea

Exhibit A: Emails between Ms. Shea and Paul Pankiewicz

Respectfully submitted,

By: /s/ Charles W. Fillmore

H. Dustin Fillmore III
State Bar No. 06996010
Charles W. Fillmore
State Bar No. 00785861

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/s/ J. Michael McBride

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ATTORNEYS FOR NON-PARTY J.T. PALMER & ASSOCIATES, LLC

CERTIFICATE OF SERVICE

On August 3, 2020, this Supplemental Appendix in Support of Reply Brief was served on all counsel of record via the court's electronic filing system.

/s/ Charles W. Fillmore

AFFIDAVIT OF JUDITH ANN SHEA

STATE OF TEXAS §
§
COUNTY OF HOOD §

Before me, the undersigned notary, on this day personally appeared Judith Ann Shea, the affiant, a person whose identity is known to me. After I administered an oath to affiant, affiant testified as follow:

1. "My name is Judith Ann (Judy) Shea. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I reside in Granbury Texas.

3. I formed J.T. Palmer and Associates, LLC (JT Palmer) as a Texas Limited Liability Company, and I am the sole member and 100% owner of JT Palmer. JT Palmer's office is in Granbury Texas, which is also where I reside and conduct the business of JT Palmer.

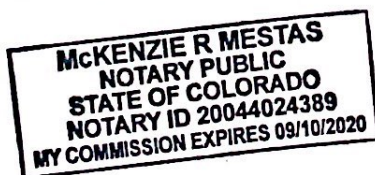
4. Attached hereto as Exhibit A are true and correct copies of the following documents:

- (a) An email that I received at 12:16 pm on May 4, 2020, from JT Palmer's client in this matter, Paul Pankiewicz;
- (b) An email that I sent at 12:21 pm on May 4, 2020, to JT Palmer's client in this matter, Paul Pankiewicz, responding to the email referred in paragraph 4(a), above;
- (c) An email that I received at 10:41 am on May 11, 2020, from JT Palmer's client in this matter, Paul Pankiewicz;
- (d) An email that I sent at 10:11 am on May 13, 2020, to JT Palmer's client in this matter, Paul Pankiewicz, responding to the email referred in paragraph 4(c), above;
- (e) An email that I received at 8:30 pm on June 19, 2020, from JT Palmer's client in this matter, Paul Pankiewicz.

FURTHER AFFIANT SAYETH NOT.

By: Judith Ann Shea
Judith Ann Shea

Sworn to and subscribed before me by Judy Shea on this 3rd day of August, 2020.



[Signature]
Notary Public in and for the State of Colorado

7/28/2020

J.T. Palmer & Associates Mail - Confidential Report-Winfree



Judy Shea <judy@jtpalmerassociates.com>

Confidential Report-Winfree

paul pankiewicz <ppankiewicz@earthlink.net>
Reply-To: paul pankiewicz <ppankiewicz@earthlink.net>
To: Judy Shea <judy@jtpalmerassociates.com>
Cc: "dan@handanet.com" <dan@handanet.com>

Mon, May 4, 2020 at 12:16 PM

Thanks Judy. Anything on country / state of origin?
[Quoted text hidden]

7/28/2020

J.T. Palmer & Associates Mail - Confidential Report-Winfree



Judy Shea <judy@jtpalmerassociates.com>

Confidential Report-Winfree

Judy Shea <Judy@jtpalmerassociates.com>

Mon, May 4, 2020 at 12:21 PM

To: paul pankiewicz <ppankiewicz@earthlink.net>

No, we were unable to get further information so far on these accounts.

Sincerely,

Judy Shea

J.T. Palmer & Associates, LLC

800-808-0078

817-894-3539

Judy@jtpalmerassociates.com

www.jtpalmerassociates.com

NM PI #3295

Member

CALI, FALI, FAPI, NALI, NCISS, TALI, WAD

This message and any attachments contain information that is confidential. This message and the information contained herein have been sent for fact-finding purposes only. By retaining this message for any length of time without immediately returning it to sender, the recipient agrees that the information contained herein is not admissible for any purposes in any court of law and may not be made part of any public record whatsoever. The information is intended only for the use of the individual or entity to whom it is directed, regardless of the e-mail address, physical address, fax number, or any other means by which you have received this message. If you are not the intended recipient, you are notified that any examination, disclosure, copying, distribution or the taking of any action in reliance on, or with the respect to, the contents of this information is strictly prohibited. If you have received this message in error, please immediately notify the person identified as the sending person by reply e-mail or call the telephone number set forth above. By receiving this message, the recipient acknowledges that it is a privilege to receive the information contained herein and that a violation of any of the above provisions will cause irreparable harm to the sender as well as lasting and continuing damages

[Quoted text hidden]

7/28/2020

J.T. Palmer & Associates Mail - Confidential Report-Winfree



Judy Shea <judy@jtpalmerassociates.com>

Confidential Report-Winfree

paul pankiewicz <ppankiewicz@earthlink.net>
Reply-To: paul pankiewicz <ppankiewicz@earthlink.net>
To: **Judy Shea** <judy@jtpalmerassociates.com>

Mon, May 11, 2020 at 10:41 AM

Hey Judy,

Hope this finds you well and safe. Is there any progress on locating country of origin on any of these accounts?

Thanks, Paul
[Quoted text hidden]

7/28/2020

J.T. Palmer & Associates Mail - Confidential Report-Winfree



Judy Shea <judy@jtpalmerassociates.com>

Confidential Report-Winfree

Judy Shea <Judy@jtpalmerassociates.com>

Wed, May 13, 2020 at 10:11 AM

To: paul pankiewicz <ppankiewicz@earthlink.net>

I am still trying but not having any luck.

Sincerely,

Judy Shea

J.T. Palmer & Associates, LLC

800-808-0078

817-894-3539

Judy@jtpalmerassociates.com

www.jtpalmerassociates.com

NM PI #3295

Member

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[Quoted text hidden]

7/28/2020

J.T. Palmer & Associates Mail - Fwd: Marquee Dental



Judy Shea <judy@jtpalmerassociates.com>

Fwd: Marquee Dental

Paul Pankiewicz <ppankiewicz@earthlink.net>
To: Judy Shea <judy@jtpalmerassociates.com>

Fri, Jun 19, 2020 at 8:30 PM

Just so you get a feel for what's happening.

Sent from my Verizon Wireless 4G LTE DROID

----- Original Message -----

Subject: Marquee Dental

From: Dan Hodges <dan@handanet.com>

To: 'Aron Karabel' <Aron.Karabel@wallerlaw.com>, 'Ryan Cochran' <Ryan.Cochran@wallerlaw.com>, Melissa Jones <Melissa.Jones@wallerlaw.com>

CC:

All,

I hope all are well. As I told Melissa today I am aware of the subpoena sent to JT Palmer. I just want to add my thoughts. At the outset of this investigation we first met with Fred Ward with Marquee. Fred was very professional but his initial request was not very well thought out. He said he wanted us to do a surveillance on the subject in order to gain "leverage" which would force him to give back the money. I told Mr. Ward that a surveillance of the subject, even if it revealed that he was involved in nefarious activity would not be the best way to go. Mr. Ward insisted so we conducted a surveillance of the subject for several days. Needless to say the subject did not do anything that we could use as "leverage". As a 30 year veteran of the FBI I have seen several investigations that used leverage were construed as extortion and unethical. When we got on the conference call with all of the attorneys, Mary again said she wanted leverage.

I recognize that Marquee is a good client for Waller Law and you wanted to do the best job possible for them. When we started the investigation we wanted the same thing. Our first searches were for domestic US banks which were done with addresses, names, dates of birth and SSN's. The results were unremarkable. We asked our source to then do international

7/28/2020

J.T. Palmer & Associates Mail - Fwd: Marquee Dental

bank searches and found out that the international banks did not accept US SSN's DOB's or any other US indentifiers. The information provided had clear caveats and non-disclosure language which I guess was ignored. The money found in off shore banks was very close to the amount in the judgment. Also the names, particularly Olivia McMurray Winfree was no coincidence. In addition our search found that the subject and his brother were registered agents for a company that specialized in placing money in off-shore accounts. I can't understand why the BR Trustee would not find that curious and investigate further using the power of the court. I understand that the Judge and Trustee want everything signed sealed and delivered.

In my opinion this matter was mishandled from the very start. We were always taught to follow the money in any white collar case we worked. There may have been a non-disclosure agreement with the subject when he was given the money for the sale of the practice. If so I have not seen that. At a minimum the CPA or personal accountant should have been subpoenaed and deposed. Also better interviews of the former employees could possibly have revealed additional information. Instead now the source that provided the off-shore information is issued a subpoena. In one of our conference calls Attorney Mike Ralchelson from Chicago acknowledged that our source should not be given up. I guess that was just a suggestion.

I have always enjoyed working cases for Waller Law and hope to do so in the future. I think most of the problems created in this investigation were a result of the powers to be at Marquee Dental Corporate and not Waller Law. I do hope there is a satisfactory outcome for this investigation.

Respectively Sent,

Dan